

ZB# 86-44

Herbert Mason

33-1-22

Prelim.

10/22/86.

Public Hearing:

Nov. 24, 1986

Notice to

✓ Sentinel on 10/30/86

Var.
variance
granted

11/24/86

#86-44-
Mason, Herbert -
area

General Receipt		8437
TOWN OF NEW WINDSOR 555 Union Avenue New Windsor, N. Y. 12550		<u>November 25, 1986</u>
Received of <u>E. A. Mason Co.</u>		\$ <u>25.00</u>
<u>Twenty-five and 00/100</u>		DOLLARS
For <u>Zoning Board Application Fee (#86-44)</u>		
DISTRIBUTION:		
FUND	CODE	AMOUNT
Check # 1371		25.00
By <u>Pauline M. Townsend</u>		<u>Town Clerk</u> Title

Williamson Law Book Co., Rochester, N. Y. 14609

Oxford®

⊗ ESSELTE

MADE IN U.S.A.

NO. 753 1/5

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NEW WINDSOR ZONING BOARD OF APPEALS

-----X

In the Matter of the Application of

HERBERT MASON

DECISION GRANTING
AREA VARIANCE

#86-44.

-----X

WHEREAS, HERBERT MASON of 110 Mt. Airy Road, New Windsor, N. Y. 12550 (owner) and ERIC MASON of Box 350 Bethlehem Road, New Windsor, N. Y. (contract purchaser), have made application before the Zoning Board of Appeals for area variances to construct a one-family residential dwelling to be located on Mt. Airy Road, New Windsor, N. Y. in an R-4 zone;

WHEREAS, a public hearing was held on the 24th day of November, 1986 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicant, ERIC MASON, was present; and

WHEREAS, the application was unopposed;

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to construct a one-family residential dwelling with insufficient lot area and frontyard.

3. The evidence presented by the applicant substantiated the fact that the proposed construction would not be detrimental to the neighboring properties which are residential in nature.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. The evidence shows that the applicant will encounter practical difficulty if the variance requested is not granted due to the fact there is no additional property available to purchase in order for applicant to meet the bulk requirements of the Zoning Local Law.

2. The requested variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood which is residential in nature.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT 20,920 s.f. lot area and 15 ft. frontyard variances to Applicant in accordance with plans submitted at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: December 8, 1986.

S/
Chairman



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

November 25, 1986

Mr. Eric Mason
R. D. #2 - Box 350
Bethlehem Road
New Windsor, N. Y. 12550

RE: APPLICATION FOR VARIANCE
#86-44

Dear Eric:

This is to confirm that the Zoning Board of Appeals made a decision to approve your above application at the November 24, 1986 public hearing.

Formal decision will be drafted at a later date and forwarded to you by return mail.

Very truly yours,

PATRICIA DELIO,
Secretary

/pd

cc: Town Planning Board
Town Building Inspector Babcock

3 copies

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

86-44

Date: 10/30/86

I. Applicant Information:

- (a) Herbert MASON 110 Mt Airy Road New Windsor NY 5646090
(Name, address and phone of Applicant) (Owner)
- (b) ERIC A MASON Rd 2 Box 350 Bethelton Road NW. 5646647
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Special Permit

III. Property Information:

- (a) R3 MT AIRY RD 33-1-22 80' x 100' x 157.8' x 111.6'
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? 33-1-22 None
- (c) Is a pending sale or lease subject to ZBA approval of this application? YES
- (d) When was property purchased by present owner? JAN 14 1971
- (e) Has property been subdivided previously? NO When? _____
- (f) Has property been subject of variance or special permit previously? NO When? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. ~~Use Variance:~~

- ~~(a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____~~

- (b) The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

~~no other property to make lot conform~~

V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Bulk Regs., Col. C & E.

Requirements	Proposed or Available	Variance Request
Min. Lot Area <u>32,670</u>	<u>11,750</u>	<u>20,920</u>
Min. Lot Width		
Reqd. Front Yd. <u>35</u>	<u>20</u>	<u>15</u>
Reqd. Side Yd. <u>7</u>	<u>7</u>	<u>7</u>
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* <u>%</u>	<u>%</u>	<u>%</u>
Floor Area Ratio**		

* Residential Districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

no other property to make lot conform

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			
Total	<u>sq.ft.</u>	<u>sq.ft.</u>	<u>sq.ft.</u>

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Special Permit:

- (a) Special Permit requested under New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (b) Describe in detail the use and structures proposed for the special permit.

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

One family House that conforms to ARCA

IX. Attachments required:

- ☒ Copy of letter of referral from Bldg./Zoning Inspector.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ☒ Copy(ies) of sign(s) with dimensions.
- ☒ Check in the amount of \$ 25.00 payable to TOWN OF NEW WINDSOR.
- ☒ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date 10/28/86.

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Em G. Mason
(Applicant)

Sworn to before me this

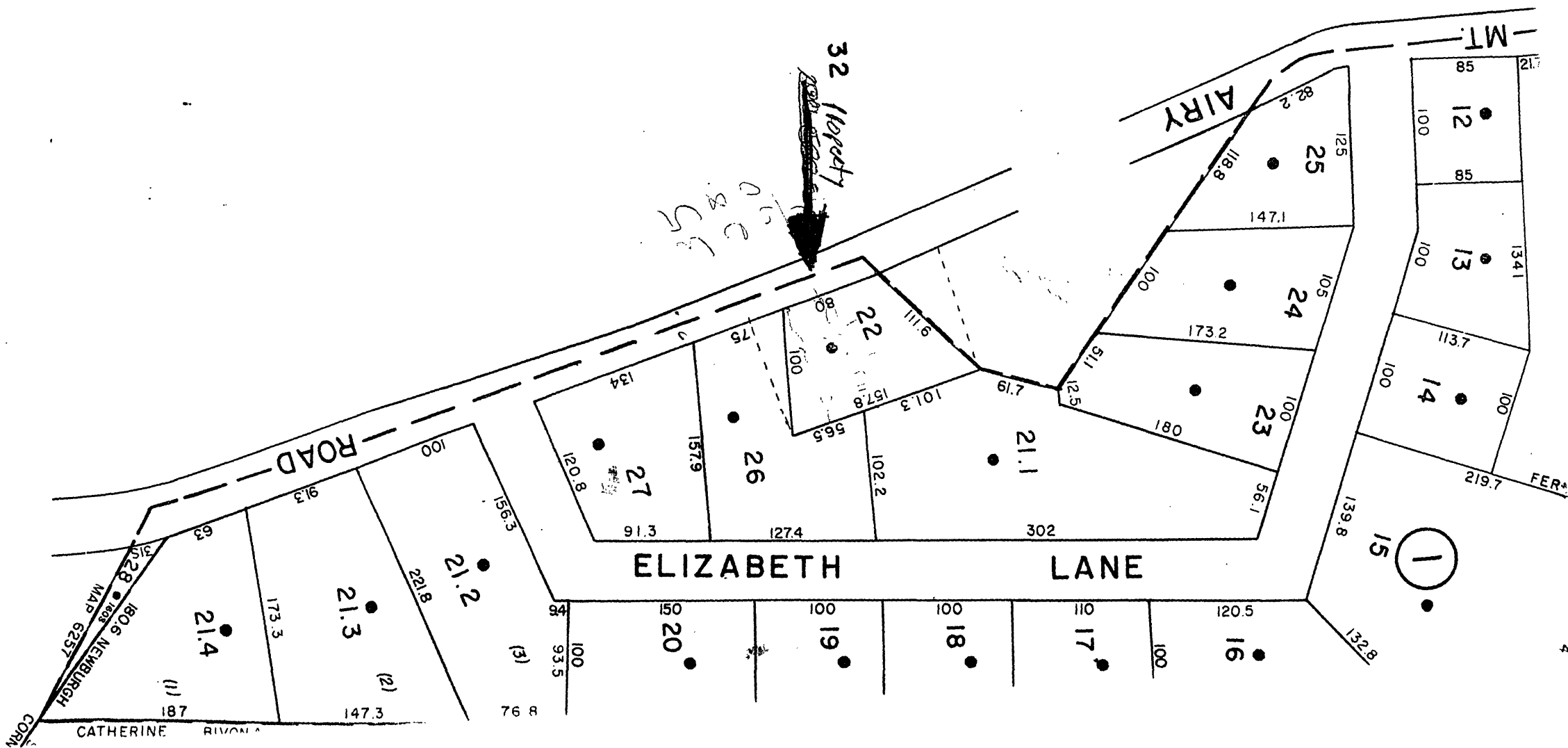
30th day of October., 1986.
Patricia Delio

XI. ZBA Action:

PATRICIA DELIO
NOTARY PUBLIC, State of New York
No. 5970775
Qualified in Orange County
Commission Expires March 30, 1987.

- (a) Public Hearing date _____
- (b) Variance is _____
Special Permit is _____
- (c) Conditions and safeguards: _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.



PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 44.

Request of Herbert MASON

for a VARIANCE ~~SPECIAL PERMIT~~ of
the regulations of the Zoning Local Law to

permit To build 28'x52' Ranch style 1 family dwelling
with insufficient lot area and front yard.

being a VARIANCE ~~SPECIAL PERMIT~~ of

Section 48-12 Table of Bulk Regs. Col C+E

for property situated as follows:

Section 33 lot 1 Block 22

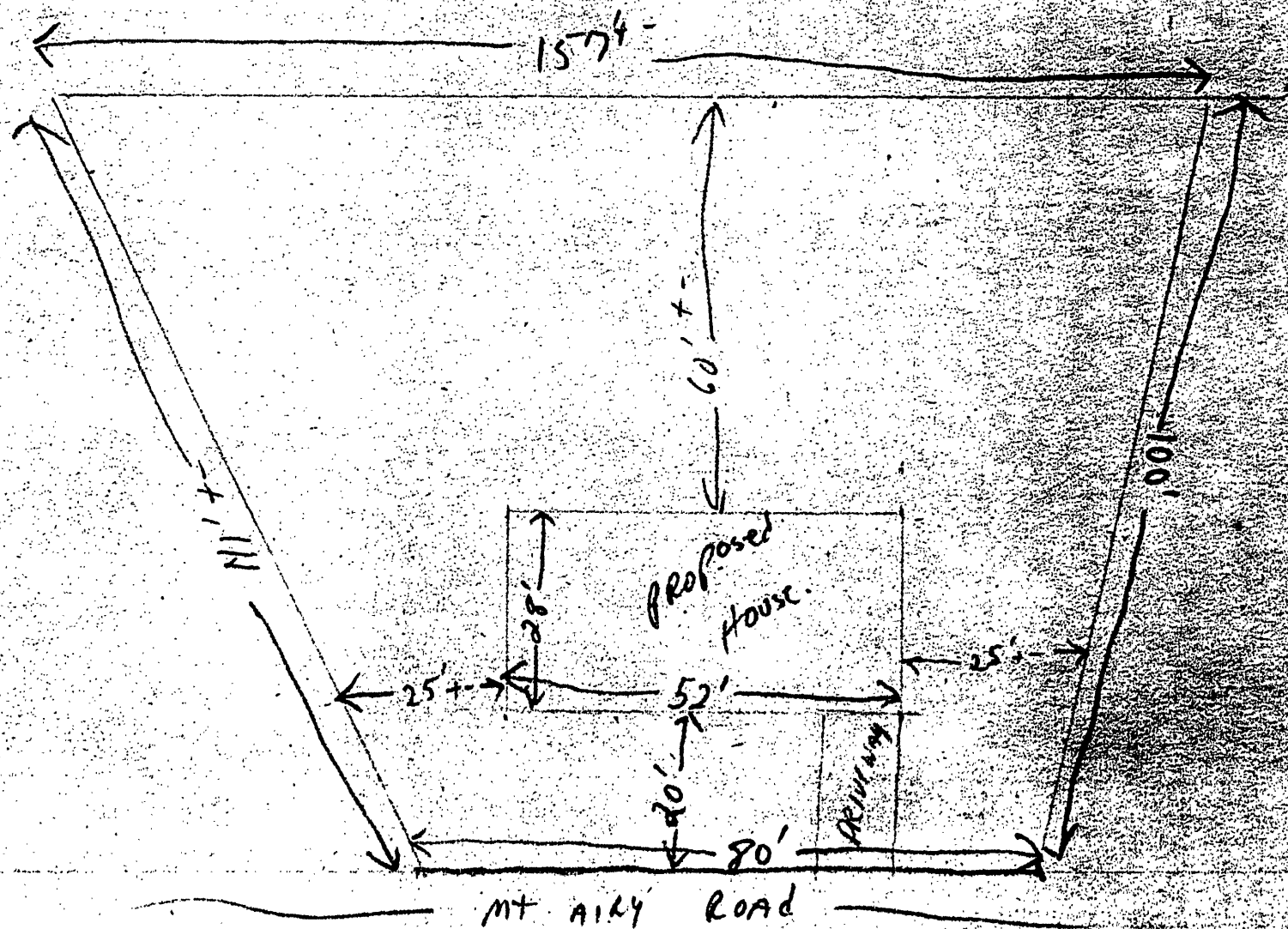
mt Airy Road, New Windsor, N.Y.

SAID HEARING will take place on the 24th day of
November, 1986, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

Jack Babcock.
Chairman

By: Patricia Delio, Secretary

3 copies





1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

14

21.

Jose Rivera
295 Washington Avenue
Brooklyn, N.Y. 11201

Bennett, Gerard & Marie T
2 Elizabeth Lane
New Windsor, New York 12550

Ogden, David
4 Elizabeth Lane
New Windsor, New York

Congelosi, Catherine
6 Elizabeth Lane
New Windsor, New York 12550

Konon, Michael J. & Patricia A
8 Elizabeth Lane
New Windsor, New York 12550

DeRico Fred & Mary M G
10 Elizabeth Lane
New Windsor, New York

Garofolo James & Mary
12 Elizabeth Lane,
New Windsor, New York 12550

Domalavage, Albert & Patricia
14 Elizabeth Lane
New Windsor, New York 12550

Yanknow, Richie A & Eileen B.
16 Elizabeth Lane
New Windsor, New York 12550

Owens, Casal, A.
18 Elizabeth Lane
New Windsor, New York 12550

Pacione, Frank D. & Ida G.
MD 36 129 Mt. Airy Road
New Windsor, New York 12550

Krueger, Gordon R.
1 Elizabeth Lane
New Windsor, New York 12550

Miller, Irene
3 Elizabeth Lane
New Windsor, New York 12550

Evalgelisto, Joseph & Clotilda R.
5 Elizabeth Lane
New Windsor, New York 12550

Zerillo, William & Abbie
7 Elizabeth Lane
New Windsor, New York 12550

Fischer, Sheldon
9 Elizabeth Lane
New Windsor, New York 12550

Morris, Gregory A. & Colleen B
11 Elizabeth Lane
New Windsor, New York 12550

Mason & Herbert, Barbara
110 Mt. Airy Road
New Windsor, New York 12550

Karnavezos, Peter & Sophia
124 Mt. Airy Road
New Windsor, New York 12550

Stellwag, Henry
308 Route 207
New Windsor, New York 12550

Silver Stream, Inc.
614 Little Britain Road
New Windsor, New York 12550

5

Prelim.
Oct. 27th
7:30 p.m.

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. Date SEPT 15, 19 86

To HERBERT MASON - (ERIC MASON)
110 MT AIRY RD
NEW WINDSOR N.Y.

PLEASE TAKE NOTICE that your application dated SEPT 15, 19 86
for permit to BUILD HOUSE
at the premises located at MT AIRY RD R-3

is returned herewith and disapproved on the following grounds:

- (1) FRONT YARD - REQ 32,670
- (2) LOT AREA - REQ 35'
- Zone -

8000
1250
2500
11,750

- (1) Sewer available
- (2) No Town Water.

Michael Buback
Building Inspector

Requirements	Proposed or Available	Variance Request
Min Lot Area 32,670	11,750	

ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

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File No.

Date SEPT 15, 1986

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R-3

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11,750

(1) Sewer available
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Michael Boback
Building Inspector

Requirements	Proposed or Available	Variance Request
Min. Lot Area <u>32,670</u>	<u>11,750</u>	<u>20,920 s.g.</u>
Min. Lot Width		
Reqd. Front Yd. <u>35</u>	<u>20</u>	<u>15'</u>
Reqd. Side Yd. <u>7</u>	<u>7</u>	<u>7</u>
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* <u>%</u>	<u>%</u>	<u>%</u>
Floor Area Ratio**		

* Residential Districts only
** Non-residential districts only

Noway

Name of Owner of Premises Herbert A. MASON
Address 110 Mt Airy Rd New Windsor Phone 914 564 6090
Name of Architect.....
Address..... Phone.....
Name of Contractor Eric MASON
Address Ld 2 Box 350 Bethlehen Rd NW NY Phone 914 564 6647
State whether applicant is owner, lessee, agent, architect, engineer or builder: Builder
If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the.....side of.....
(N. S. E. or W.)
and 400 feet from the intersection of Mt Airy Rd & Elizabeth Lane.
2. Zone or use district in which premises are situated
3. Tax Map description of property: Section 33 Block 1 Lot 22
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:
a. Existing use and occupancy b. Intended use and occupancy X
5. Nature of work (check which applicable): New Building X Addition..... Alteration..... Repair..... Removal.....
Demolition..... Other.....
6. Size of lot: Front 80 Rear 1528 Depth 100+ Front Yard..... Rear Yard..... Side Yard.....
Is this a corner lot? No.
7. Dimensions of entire new construction: Front 52 Rear 52 Depth 28 Height 12' Number of stories 1
8. If dwelling, number of dwelling units..... Number of dwelling units on each floor.....
Number of bedrooms 3 Baths 1 Toilets.....
Heating Plant: Gas..... Oil X Electric...../Hot Air..... Hot Water X
If Garage, number of cars 1
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use.....
10. Estimated cost 30,000.00 Fee.....
(to be paid on filing this application)

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

IMPORTANT

REQUIRED INSPECTIONS OF CONSTRUCTION — YOU MUST CALL FOR THESE

Other inspections will be made in most cases, but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job

Name of Contractor CRIC MASON
Address Ed 2 Box 358 Bethlehem Rd NW NY Phone 914 584 6647
State whether applicant is owner, lessee, agent, architect, engineer or builder: Builder
If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the.....side of.....
(N. S. E. or W.)
and 400 feet from the intersection of MT. AIRY Rd. & Elizabeth Lane.
2. Zone or use district in which premises are situated
3. Tax Map description of property: Section 33 Block 1 Lot 22
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CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS - 565-8807

- 1—When excavating is complete and footing forms are in place (before pouring).
- 2—Foundation Inspection - check here for waterproofing and footing drains.
- 3—Inspect gravel base under concrete floors, and underslab Plumbing.
- 4—When framing is completed, and before it is covered from inside, and Plumbing rough-in.
- 5—Plumbing final & final. Have on hand Electrical Inspection Data per the Board of Fire Underwriters, and final certified plot plan. Building is to be complete at this time.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer -

Planning Board.....
Highway.....
Sewer
Water
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date... SEPT 15 1986..

INSTRUCTIONS

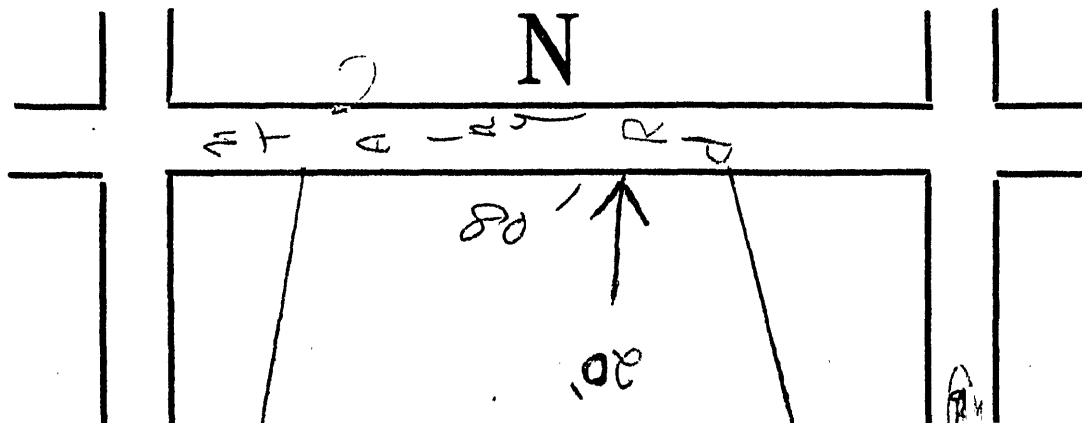
- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Ed G. Mann Rd 2 Box 350 Bethlehem Rd New Windsor NY
(Signature of Applicant) (Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Planning Board.....
 Highway.....
 Sewer.....
 Water.....
 Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT Pursuant to New York State Building Code and Town Ordinances

Date... SEPT 15 1986..

INSTRUCTIONS

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Eric A. Mann Rd 2 Box 350 Bethlehem Rd New Windsor NY
 (Signature of Applicant) (Address of Applicant)

PLOT PLAN

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